4831. Action to restrain shipment in interstate commerce of adulterated canned pumpkin and squash. U. S. v. Salem County Canners, Inc. Consent decree ordering permanent injunction. (Inj. No. 46.)

On December 29, 1942, the United States attorney for the District of New Jersey filed a complaint against the Salem County Canners, Inc., a corporation, Clinton, N. J., alleging that from on or about October 14, 1942, up to the date of filing the complaint, the defendant had been preparing and packing pumpkin and squash under insanitary conditions whereby it might have become contaminated with filth and whereby it might have been rendered injurious to health; that said product so prepared and packed by the defendant consisted in whole or in part of a filthy substance, which was unfit for food and was adulterated in violation of the law; that it was being offered for interstate shipment at various intervals to various States outside the District of New Jersey; that various investigations and inspections showed insanitary conditions of the plant of defendant, and the defendant had been warned to remedy such conditions and not to ship products which were adulterated in violation of the law; and that despite such warning the defendant had failed to remedy the defects in its methods of operation and was continuously manufacturing, preparing, and packing adulterated canned pumpkin and squash. The complaint alleged further that immediate and irreparable loss and damage would ensue unless an injunction issue; and prayed that after proper notice a preliminary injunction issue, and that the preliminary injunction be made permanent after due proceedings.

On January 22, 1943, the defendant having consented to the entry of a decree, judgment was entered ordering that the defendant and all his representatives, officers, and agents, and all persons acting on his behalf be perpetually enjoined and restrained from shipping in interstate commerce adulterated pumpkin or squash which had been manufactured or would be manufactured by the defendant.

4832. Adulteration of canned pumpkin. U. S. v. 198 Cases of Canned Pumpkin. Default decree of condemnation and destruction. (F. D. C. No. 9173. Sample No. 23146-F.)

On January 12, 1943, the United States attorney for the Eastern District of Pennsylvania filed a libel against 198 cases, each containing 24 cans, of pumpkin at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about December 22, 1942, by the Brakeley Canning Co. from Quinton, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, insect fragments, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: (Cans) "Penn Treaty Brand Pumpkin * * * Packed for Quaker City Grocery Co., Inc. Phila., Penna."

On February 16, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4833. Adulteration of canned pumpkin. U. S. v. 230 Cartons and 93 Cases of Canned Pumpkin. Default decrees of condemnation and destruction. (F. D. C. Nos. 9155, 9212. Sample Nos. 23145-F, 44505-F.)

This product contained insect fragments and a portion also contained rodent-like hairs.

On January 7 and 19, 1943, the United States attorneys for the Eastern District of Pennsylvania and the Southern District of New York filed libels against 230 cartons of canned pumpkin at Philadelphia, Pa., and 93 cases of canned pumpkin at New York, N. Y., alleging that the articles had been shipped in interstate commerce on or about December 14 and 23, 1942, from Quinton, N. J., by Comley-Flanigen Co.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared and packed under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Red Seal Brand Pumpkin."

On January 22 and February 9, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

4834. Adulteration of canned pumpkin. U. S. v. 95 Cases and 75 Cases of Canned Pumpkin. Default decrees of condemnation and destruction. (F. D. C. Nos. 9210, 9211. Sample Nos. 44503-F, 44504-F.)

This product contained insect fragments.

On January 19, 1943, the United States attorney for the Southern District of New York filed libels against a total of 170 cases, each containing 6 cans, of pumpkin at New York City, N. Y., alleging that the article had been shipped in interstate commerce on or about December 10, 1942, by Wm. E. Silver Sales Co.

from Quinton, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: (Cans) "White Rose Pumpkin Seeman Bros. Inc. Wholesale Distributors, New York, N. Y.," or "Supreme Brand Fancy Pumpkin * * * Wallace, Burton & Davis Co. Distributors New York, N. Y."

On March 11, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4835. Adulteration of canned sweet potatoes. U. S. v. 70 Cases of Canned Sweet Potatoes. Default decree of condemnation and destruction. (F. D. C. No. 8865. Sample No. 12873-F.)

This product was unsterile and was undergoing progressive decomposition.

On November 17, 1942, the United States attorney for the Western District of Washington filed a libel against 70 cases, each containing 24 cans, of sweet potatoes at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about October 15, 1942, by the Sales Officer, Quartermaster Corps, Camp Adair, Wellsdale, Oreg.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Humboldt Brand Sweet Potatoes * * * Packed by L. H. Herndon Canning Co., Humboldt, Tennessee," or "Pine Grove Brand Sweet Potatoes * * * Packed by Pine Grove Canning Co. St. Martinville, La."

On April 27, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4836. Adulteration of sauerkraut. U. S. v. 377 Cases of Sauerkraut. Default decree of condemnation and destruction. (F. D. C. No. 9424. Sample No. 22011-F.)

On February 23, 1943, the United States attorney for the Western District of Pennsylvania filed a libel against 377 cases, each containing 12 jars, of sauerkraut at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about January 6, 1943, by the Vernon D. Price Vinegar Co. from Moundsville, W. Va.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Jars) "Great Lakes Sauer Kraut * * * Packed For Great Lakes Pickle Co. Pittsburgh, Pa."

On February 24, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4837. Adulteration of canned turnip greens. U. S. v. 661 Cases of Canned Turnip Greens. Default decree of condemnation and destruction. (F. D. C. No. 9172. Sample No. 9630-F.)

On January 13, 1943, the United States attorney for the Southern District of Alabama filed a libel against 661 cases of canned turnip greens at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about November 24, 1942, from Mission, Tex., by W. C. Bohannon Canning Co.; and charging that it was adulterated in that it contained insects and consisted wholly or in part of a filthy substance. The article was labeled in part: "Valley Rose Brand Turnip Greens Packed By Riona Products Co. Inc. McAllen, Texas."

On June 1, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS

4838. Adulteration of canned tomatoes. U. S. v. 67 Cases of Canned Tomatoes. Decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 9441. Sample No. 7987-F.)

This product was undergoing active spoilage.

On February 26, 1943, the United States attorney for the District of Minnesota filed a libel against 67 cases of canned tomatoes at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about September 30, 1942; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Stonewall Brand Tomatoes * * * Distributed by Griggs, Cooper & Co., St. Paul, Minn."

On April 5, 1943, Griggs, Cooper & Co., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it should not be sold or otherwise disposed of in violation of the law. The unfit portion was segregated from the good portion and destroyed.